

Rec'd PT/PTO

26 SEP 2005

10/524056

#5

Docket No. 003394.P019

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent Application of:

**Benjamin Gavish**

Serial No.: **10/524,056**

Filed: **02/08/2005**

For: **GENERALIZED METRONOME FOR  
MODIFICATION OF BIORHYTHMIC  
ACTIVITY**

Examiner:

Art Unit:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**REQUEST UNDER 37 C.F.R. § 1.32(c)(3) FOR RECOGNITION OF A  
MAXIMUM OF TEN PRACTITIONERS FROM THOSE NAMED IN  
DECLARATION AND POWER OF ATTORNEY**

Sir:

Accompanying this Request is a Declaration and Power of Attorney that names more than ten patent practitioners. In accordance with 37 C.F.R. § 1.32(c)(3), applicant(s) hereby request that the following patent practitioners (maximum of ten) from those named in that Declaration and Power of Attorney be recognized by the U.S. Patent and Trademark Office as being of record for the patent application to which the Declaration and Power of Attorney is directed:

Attorney	Reg. No.	Attorney	Reg. No.
Farzad E. Amini	42,261	George W Hoover II	32,992
William Thomas Babbitt	39,591	Eric S. Hyman	30,139
Thomas M. Coester	39,637	Steven Laut	47,736
Angelo J. Gaz	45,907	Joseph Lutz	43,765
Tong-Jyh Lee	48,582	Stacie Sundquist	53,654

10/03/2005 MKAYPAGH 00000043 10524056

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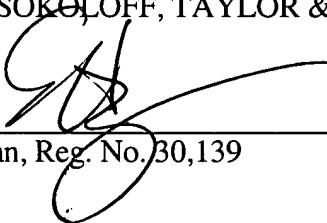
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If there are any additional charges, please charge Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 9/23/05

  
Eric S. Hyman, Reg. No. 30,139

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, California 90025  
(310) 207-3800

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Melesa Noguera

9-23-05  
Date



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

BENJAMIN GAVISH

Application No.: 10/524,056

Filed: February 8, 2005

For: **generalized metronome for modification of  
biorhythmic activity**

Art Group:

Examiner:

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE OF MISSING REQUIREMENTS**

Sir:

In response to the Notice of Missing Requirements mailed July 28, 2005, please find enclosed:

- a duly executed Declaration and Power of Attorney with payment in the amount of \$65.00 for the surcharge of 37 CFR § 1.16(e);
- and
- a copy of the Notification of Missing Requirements.

If any additional fee is required, please charge Deposit Account No. 02-2666. An extra copy of the Fee Transmittal is enclosed for deposit account charging purposes.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date:

9/23/05

Eric S. Hyman, Reg. No. 30,139

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

12400 Wilshire Boulevard, 7th Floor  
Los Angeles, CA 90025  
Telephone: (310) 207-3800

  
Melesa Noguera

9-23-05

Date



JC06 Rec'd PET/PTO 26 SEP 2005

10/524056

PCT  
\$

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		Application No.	10/524,056
		Filing Date	February 8, 2005
		First Named Inventor	Benjamin Gavish
		Art Unit	
		Examiner Name	
Total Number of Pages in This Submission	6	Attorney Docket Number	3394P019

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form  <input checked="" type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Response  <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Basic Filing Fee <input checked="" type="checkbox"/> Declaration/POA  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 5px; margin-top: 10px;">1) return postcard and 2) Request for Recognition of a Maximum of Ten Practitioners from Those Named in Declaration and Power of Attorney</div>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Eric S. Hyman, Reg. No. 30,139 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	9/23/05

CERTIFICATE OF MAILING/TRANSMISSION			
I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.			
Typed or printed name	Melesa Noguera		
Signature		Date	9-23-05



# FEE TRANSMITTAL for FY 2005

Patent fees are subject to annual revision.

## Complete if Known

Application Number	10/524,056
Filing Date	February 8, 2005
First Named Inventor	Benjamin Gavish
Examiner Name	
Art Unit	
Attorney Docket No.	3394P019

☒ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$) 65.00

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20. ☒ Credit any overpayments

## FEE CALCULATION

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	65.00
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053	130	Non-English specification	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
Other fee (specify) _____					
SUBTOTAL (2)					(65.00)

## SUBMITTED BY

## Complete (if applicable)

Name (Print/Type)	Eric S. Hyman	Registration No. (Attorney/Agent)	30,139	Telephone	(310) 207-3800
Signature		Date	9/23/05		



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

ESH  
Sanford

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/524,056	Benjamin Gavish	3394P019

INTERNATIONAL APPLICATION NO.	
PCT/IL03/00649	
I.A. FILING DATE	PRIORITY DATE
08/06/2003	08/09/2002

Blakely Sokoloff Taylor & Zafman  
 12400 Wilshire Boulevard, 7th Floor  
 Los Angeles, CA 90025

RECEIVED

AUG 01 2005

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP  
LOS ANGELES

CONFIRMATION NO. 4443

371 FORMALITIES LETTER



\*OC000000016630705\*

Date Mailed: 07/28/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 02/08/2005
- Copy of the International Search Report filed on 02/08/2005
- Preliminary Amendments filed on 02/08/2005
- U.S. Basic National Fees filed on 02/08/2005
- Priority Documents filed on 02/08/2005
- Specification filed on 02/08/2005
- Claims filed on 02/08/2005
- Drawings filed on 02/08/2005

ENTERED  
 AUG - 2 2005  
 STATUS DB-LA

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$65 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Late oath or declaration Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAYA L LEWIS BALTIMORE

Telephone: (703) 308-9140 EXT 202

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/524,056	PCT/IL03/00649	3394P019

FORM PCT/DO/EO/905 (371 Formalities Notice)